

REMARKS

In the Office Action dated August 22, 2007, the Examiner objected to claims 1-30 because of informalities; rejected claims 1-14, 24, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,390,311 to Belokin ("Belokin"); rejected claims 15-20, 26-28, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of U.S. Patent No. 6,355,161 to Shah et al. ("Shah"); and rejected claims 21-23, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of U.S. Patent No. 5,722,947 to Jeppsson et al. ("Jepsson").

By this Reply, Applicants have amended claims 1-29, have canceled claims 30-36, and have added new claims 37-40. Support for new claims 37-40 are supported, for example, by page 8, lines 8-14 of the original specification. No new matter has been added by this Reply.

In the Office Action, the Examiner objected to claims 1-30 because of informalities. The Examiner contends that "[i]t is unclear whether applicant intends to encompass only the claimed elements ("consisting"), or the claimed elements and other, unclaimed elements ("comprising")." (Office Action at 2.) The Examiner further contends "it is unclear what element 'it' refers to" (id.) in claims 19, 21, and 26. The Examiner also contends that in claim 30, "applicant claims that the base body is associated to 'the machine' without indicating which machine the base is associated with." (Id.) Applicants submit that these claim objections have been rendered moot by Applicants' amendment of claims 1-29 and cancellation of claim 30. Accordingly, Applicants ask the Examiner to withdraw these claim objections.

Applicants respectfully traverse the Examiner's rejection of claims 1-14, 24, and 25 under 35 U.S.C. § 102(e) as being anticipated by Belokin. Belokin does not disclose each and every element of amended claim 1, for example. The Examiner contends that Belokin discloses "a support device for liquid containers that is capable of being used with an extracorporeal blood machine . . . wherein the support element is slidable or rotatable around the base body, creating a horizontal displacement of part of the support element with respect to the base body." (Office Action at 4.) Belokin does not, however, disclose "stop means for selectively blocking a relative position of each support element with respect to the base body, at least in the operative loading position or in the operative work position; and a control device controlling the stop means to enable contemporary extraction of a predetermined number of supports" (emphasis added), as recited in amended claim 1. In fact, on page 5 of the Office Action, the Examiner concedes that Belokin does not disclose "an end stop and a position sensor." Therefore, Belokin does not disclose each and every limitation of amended claim 1, and thus, amended claim 1 is not anticipated by Belokin and is allowable over this reference. Accordingly, claims 2-14, 24, and 25 are allowable at least due to their dependence from allowable amended claim 1 and due to their additional recitations of novel subject matter.

Applicants also respectfully traverse the Examiner's rejection of claims 15-20, 26-28, and 30 under 35. U.S.C. § 103(a) as being unpatentable over Belokin in view of Shah. Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness because the Examiner has not shown that Belokin and Shah whether alone or in combination, either (1) teach all the present claim limitations; (2)

suggest a motivation for one of ordinary skill in the art to modify their teachings to make the claimed invention; or (3) provide one of ordinary skill with a reasonable expectation of success in so combining and/or modifying their teachings. See M.P.E.P. §§ 2143.01, 2143.02, & 2143.03. Claim 1, from which claims 15-20 and 26-28 depend, either directly or indirectly, requires "stop means for selectively blocking a relative position of each support element with respect to the base body, at least in the operative loading position or in the operative work position; and a control device controlling the stop means to enable contemporary extraction of a predetermined number of supports" (emphasis added). As discussed above, Belokin fails to disclose this limitation. The Examiner contends that "Shah discloses a dialysis system and an apparatus and method for loading bottles of solution into the system . . . [and] controls movement of the bottle from the loading position to the work position (see column 12, lines 1-50)." (Office Action at 5-6.) The Examiner further contends that the "Shah reference teaches that such upper and lower endrun stops are desirable in the art, and that it would have been obvious to one having ordinary skill in the art to try a reasonable number of well-known mechanical stop mechanisms to provided the end stop claimed by applicant." (Office Action at 6.) Applicants disagree.

The invention disclosed in Shah provides for a chemical loading assembly using an optical receiver capable of detecting whether a bottle installed by a user is "a chemical cleaning bottle (without a rim 50) instead of a bicarbonate formulation (with a rim 50) on the chemical loading system." (Col. 11, lines 52-54.) "The chemical loading system will only open the bottle when the software for the machine indicates that the two pairs of detectors are sending signals that both a bottle is installed, and the bottle is

the correct bottle for that chemical loading system (i.e., rim or no rim).” (Col. 11, lines 39-43.) Shah does not, however, disclose or suggest the stop means and the control device acting on the stop means, as recited in amended claim 1. Shah does not disclose or suggest a stop means that selectively blocks a “position of each support element . . . at least in the operative loading position [retracted] or in the operative work position [extended]” (emphasis added), as recited in amended claim 1. Nor does Shah disclose or suggest a “control device controlling the stop means to enable contemporary extraction of a predetermined number of supports” (emphasis added), as recited in amended claim 1. The control device recited in amended claim 1 provides for a structure wherein a predetermined or prefixed number of support elements are moved into an extended or work (bag-loading) position ready for contemporaneous extraction. Only when the control device detects that the extracted support elements are returned to the loading position will the control device allow one or more of the other support elements to move into the working position. These novel aspects of amended claim 1 provide for a safe and easy bag-loading process for medical personnel that was not known and would not have been obvious to those skilled in the art. Shah, therefore, fails to cure the above-identified deficiencies of Belokin. Therefore, claim 1 is allowable over Belokin in view of Shah. Thus, claims 15-20 and 26-28 are allowable at least due to their dependence from allowable amended claim 1.

Applicants respectfully traverse the Examiner’s rejection of claims 21-23, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of Jeppsson. Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness because the Examiner has not shown that Belokin and Jeppsson

whether alone or in combination, either (1) teach all the present claim limitations; (2) suggest a motivation for one of ordinary skill in the art to modify their teachings to make the claimed invention; or (3) provide one of ordinary skill with a reasonable expectation of success in so combining and/or modifying their teachings. See M.P.E.P. §§ 2143.01, 2143.02, & 2143.03. Claim 1, from which claims 21-23 and 29 depend, either directly or indirectly, requires "stop means for selectively blocking a relative position of each support element with respect to the base body, at least in the operative loading position or in the operative work position; and a control device controlling the stop means to enable contemporary extraction of a predetermined number of supports" (emphasis added). As discussed above, Belokin fails to disclose this limitation. The Examiner contends that "Jeppsson discloses a dialysis system comprising a support element for holding solution containers (see FIG 1) and a weighing device 7 for weighing the containers and a regulating system 6 for controlling fluid flow based on the weighed containers." (Office Action at 7.) Jeppsson does not, however, disclose or suggest "stop means for selectively blocking a relative position of each support element with respect to the base body, at least in the operative loading position or in the operative work position; and a control device controlling the stop means to enable contemporary extraction of a predetermined number of supports" (emphasis added), as recited in amended claim 1. Nor does the Examiner rely on Jeppsson for such teaching. Jeppsson, therefore, fails to cure the above-identified deficiencies of Belokin. Therefore, claim 1 is allowable over Belokin in view of Jeppsson. Thus, claims 15-20 and 26-28 are allowable at least due to their dependence from allowable amended claim 1.

Moreover, new claims 37-40 are allowable over the cited references due at least to their dependence from allowable amended claim 1 and due to their additional recitations of novel subject matter.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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